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| 09/584,631   | 05/31/2000  | Joseph K. Orr        | 17871/00101         | 4572             |
| 10037  | 7590        | 05/25/2005           | EXAMINER            |                  |
| MILDE & HOFFBERG, LLP<br>10 BANK STREET<br>SUITE 460<br>WHITE PLAINS, NY 10606 |             |                      | TRAN, QUOC A        |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2176                |                  |

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/584,631

Applicant(s)

ORR, JOSEPH K.

Examiner

Quoc A. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 and 18-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16&18-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is responsive to Amendment A, filed 01/10/2005.
2. Claims 1-16 and 18-35 are currently pending in this application, claim 17 has been canceled. Applicants amended claims 1, 5-14, 18-23 and 30-32. Claims 1, 13, 26, 30, 33 and 34 are independent claims.

#### ***Claim Rejections - 35 USC § 112***

3. The rejection of claims 14-15, under 35 U.S.C. 112, second paragraph, has been withdrawn.

#### ***Claim Rejections - 35 USC § 101***

4. The rejection of claims 1-12, under 35 U.S.C. 101, non-statutory subject matter, has been withdrawn.

#### ***Response To Affidavit under 37 C.F.R 1.131, filed 01/10/2005***

5. On page 1 item 2 of said Affidavit, Applicant allegedly declares that the primary reference was Killi et al. filed on 02/04/2000. The Office respectfully disagrees; as for this particular application No. 09/584,631 Matthews was used as the primary reference, however the Affidavit filed on 01/10/2005 is over come the Killi et al. reference, which was used as secondary reference.

Accordingly, said affidavit filed 01/10/2005 is effective to overcome the effective filing date of the secondary reference Killi et al.

#### ***Response to Argument***

6. Examiner has completed a through study of Applicant's Amendments of 01/10/2005, has been fully considered Applicant's arguments, see Remarks, pages 9-10 filed 01/10/2005 with

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respect to the rejection(s) of claim(s) 1-13, 26, 28-31, and 33-35 under 35 U.S.C. 102(b) and the rejection(s) of claim(s) 2-3, 14-25, 27, and 32 are rejected under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Merritt et al.

US006041335A - filed 02/10/1997.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Independents claims 1, 13, 26, 30 and 33-34** are rejected under 35 U.S.C. 103(a) as being unpatentable by Matthews et al. (hereinafter Matthews) "Complete Reference FrontPage 2000" (Public Release 05/01/1999, By Osborn/McGraw-Hill, Ca, USA), in view of Merritt et al. US006041335A - filed 02/10/1997 (hereinafter Merritt).

**In regard to independent claim 1, program code responsive to an input command to receive input textual information** (as taught by Matthews pages 66-67, i.e. the "Page view" allows users to create and edit a web page by adding and laying out formatted text, pictures, as well as utilizing the "page wizards templates", illustrated in detail Figure 2-1 and table 2-2, which is broadly define here, which could interpreted as claimed),

**program code which automatically combines said textual input with said image to create a page containing said text and said image in a common internet language** (as taught by Matthews pages 518-521, i.e. a further object of the FrontPage 2000 wherein the DHTML Positioning dynamically wrapping text around the object, show more in detail in figure on page 519 and Figure 14-3 through 14-4, which is broadly define here, which could interpreted as claimed);

**and program code to automatically store said data in a memory** (as taught by Matthews page 508 in the bottom half of the page, i.e. a further object of the FrontPage 2000 wherein the DHTML allows data to be cached, the term “cached” is used here in the broadest sense to define “automatically store said data in a memory”);

Matthews does not explicitly teach, **program code responsive to an input command to capture an image representing at least a portion of a computer screen and to convert the captured image into a predetermined image format**, however (as taught by Merritt at col. 3, line 60 through col. 4, line 10, i.e. Merritt discloses the screen capture (all or portion of the image) to include a means for selecting a predetermined criteria of the image, such as textual, audio, color, position, shape and graphical form, which is broadly define here, which could interpreted as claimed);

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified teaching of Matthews, wherein the FrontPage 2000 program was used to create robust, high quality web application from capture files and template input/interactive by user, to include a means of screen capture all or portion of the captured image in a predetermined format. One of ordinary skill would be motivated to perform such a

modification provides users the ability to utilizing the annotation system to transmit the capture screen across the Internet/www for further usage (as taught by Merritt at col. 2 lines 15-32).

**In regard to independent claims 13, 26 and 33**, incorporate substantially similar subject matter as cited in claim 1 above, and further view of the following, and are similarly rejected along the same rationale,

**means for transmitting said additional pages to a remote site** (as taught by Matthews page 848, i.e. Publishing the webpages).

**In regard to independent claim 34**, incorporate substantially similar subject matter as cited in claim 1 above, and further view of the following, and are similarly rejected along the same rationale,

**master page** (as taught by Matthews pages 173-176, i.e. creating page template).

9. **Dependents claims 2-12, 14-16, 18-25, 27-29, 31-32 and 35** are rejected under 35 U.S.C. 103(a) as being unpatentable by Matthews et al. (hereinafter Matthews) "Complete Reference FrontPage 2000" (Public Release 05/01/1999, By Osborn/McGraw-Hill, Ca, USA), in view of Merritt et al. US006041335A - filed 02/10/1997 (hereinafter Merritt).

**In regard to dependent claim 2**, automatically reset the resolution of the computer screen from a first resolution to a second resolution and to save the first resolution (as taught by Matthews page 222, see Figure (picture set up) on page 222, i.e. default is 600x64 pixels, wherein user can use (keep Pixels), also (as taught by Matthews pages 227-230, see Figure 5-22, i.e. resolution set to Auto for working with photographs/ picture, which will get smaller, but content remain the same).

**In regard to dependent claim 3, automatically restore said first resolution to said saved image when the said program code combines textual input and said image input (as taught by Matthews pages 227-230, see Figure 5-22, i.e. resolution set to Auto for working with photographs/the picture, which will get smaller, but content remain the same), further (as taught by Matthews pages 399-416, see Figure 11-15, i.e. replacing graphics in a theme with relative positioning and wrapping text).**

**In regard to dependent claim 4, incorporate substantially similar subject matter as cited in claim 1 above, and is similarly rejected along the same rationale.**

**In regard to dependent claim 5, incorporate substantially similar subject matter as cited in claim 1 above, and further view of the following, and are similarly rejected along the same rationale,**

**the inputted information to be stored as data fields (as taught by Matthews pages 104-105, see Figure 3-1, i.e. web wizards wherein data field will be store in the database as anew web with single blank page).**

**In regard to dependent claim 6,program code which allows selected data fields of said page to be displayed to users while other data fields are hidden from the user display (as taught by Matthews pages 342-343, i.e. the selected fields are necessary for the user to answer), and also (as taught by Matthews page 373, i.e. insert note when you want to be visible and hidden while the web is being viewed).**

**In regard to dependent claim 7, assign page numbers to each said page created and to allow selected pages to be displayed by the user in any desired order (as taught by**

Matthews pages 170-176, see Figure 4-18, i.e. filelist tells FrontPage how user want the files in the template store in the web accordingly).

**In regard to dependent claim 8, common Internet language is HTML** (as taught by Matthews pages 460-462).

**In regard to dependent claim 9, common Internet language is XML** (as taught by Matthews pages 524-525).

**In regard to dependent claims 10-12 and 14-15**, incorporate substantially similar subject matter as cited in claims 1 and 33-34 above, and is similarly rejected along the same rationale, i.e. examiner reads “books” as pages and “master book” as master page, as defined by Applicants, see the Specification pages 13-15.

**In regard to dependent claim 16, maintaining a database of authorized users** (as taught by Matthews pages 634-635, i.e. data base results wizards);

**and providing the ability to deny access to unauthorized users** (as taught by Matthews pages 761-767 see Figure 21-5, i.e. user account control).

**In regard to dependent claims 18-20**, incorporate substantially similar subject matter as cited in claims 13-16 above, and are similarly rejected along the same rationale.

**In regard to dependent claim 21**, incorporate substantially similar subject matter as cited in claims 33 above, and is similarly rejected along the same rationale. Examiner reads, “book” as “page”, as defined by Applicants, see the Specification pages 13-15.

**In regard to dependent claim 22**, incorporate substantially similar subject matter as cited in claims 33-34 above, and is similarly rejected along the same rationale. Examiner reads, “book” as “page”, as defined by Applicants, see the Specification pages 13-15.



**In regard to dependent claims 23-25**, incorporate substantially similar subject matter as cited in claim 16 above, and are similarly rejected along the same rationale.

**In regard to dependent claim 27**, incorporate substantially similar subject matter as cited in claims 33-34 above, and is similarly rejected along the same rationale. Examiner reads, “book” as “page”, as defined by Applicants, see the Specification pages 13-15.

**In regard to dependent claim 28**, incorporate substantially similar subject matter as cited in claim 10, and is similarly rejected along the same rationale.

**In regard to dependent claim 29**, incorporate substantially similar subject matter as cited in claim 11, and is similarly rejected along the same rationale.

**In regard to independent claim 30**, incorporate substantially similar subject matter as cited in claim 13, and further in view of the following and is similarly rejected along the same rationale,

**means to store one or more pages having text and image information in a database; and means for making available said one or more pages available for display** (as taught by Matthews pages 64-65, i.e. as each page is completed, save it from page view using the preview button and to look at the web you created).

**In regard to dependent claim 31**, means to receive additional pages and add said additional pages in said database (as taught by Matthews pages 64-65, i.e. as each page is completed, save it and mark the task as complete, selected the next page to open in page view).

**In regard to dependent claim 32**, means for associating predetermined groups of pages into books (as taught by Matthews pages 81-98, see Figure 2-22 and 2-23, i.e. using templates wizards to create a ready-made page without interact with you. Wizards will ask you

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a series of questions for a customized page is created further included the hyperlinks view allows you to look at all the pages in the web. Examiner reads, "book" as "page", as defined by Applicants, see the Specification pages 13-15).

**In regard to dependent claim 35**, is directed to a system for performing the method of claim 11, and is similarly rejected along the same rationale.

### **Conclusion**

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc A. Tran whose telephone number is (571) 272- 4103. The examiner can normally be reached on Monday through Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.


For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Patent Examiner*

*Quoc A. Tran*

*Technology Center 2176*

*May 5, 2005*



SANJIV SHAH  
PRIMARY EXAMINER